

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-20 are pending in this application, Claims 1, 5-8, 11, and 15-20 having been amended by the present amendment.

In the outstanding Office Action Claims 1-3, 5-13, 15-20 were rejected under 35 USC §102(e) as being anticipated by Komuro et al; Claim 4 was rejected under 35 USC §103(a) as being unpatentable over Komuro et al further in view of Osakabe et al; Claim 14 was rejected under 35 USC §103(a) as being unpatentable over Komuro et al further in view of Markandey et al.

In light of the outstanding grounds for rejection, the pending claims have been amended to clarify the claimed invention and thereby more clearly patentably define over the cited art. Support for the amendments to independent Claims 1, 15 and 19 (distributing apparatus/method/computer program recording medium) may be found on page 14, lines 13 to 18 and page 17, lines 13 to 18 of the specification and Figs. 5 and 7 of the drawings. Support for the amendments to independent Claims 11, 17 and 20 (receiving apparatus/method/computer program recording medium) may be found on page 14, lines 13 to 18, page 17, lines 13 to 18, page 2.1, lines 15 to 19 of the specification and Figs. 4, 5 and 7 of the drawings. Therefore, no new matter has been added.

Accordingly, amended independent Claim 1 is directed to a content information distribution apparatus including, (a) a unit for encrypting content information encoded by a prescribed encoding system; (b) a unit for generating a transport header; (c) a unit for sending to the other end apparatus that is authenticated a packet; (d) a unit for generating an encryption attribute header to be added to the encrypted content information, which includes copy attribute information necessitated for copy protection of the content information based

on data sent from the encrypting unit; and (e) a unit for performing transport protocol processing required to transfer the content information and for generating a basic transport header to be added to the content information to which the encryption attribute header has been added, wherein the sent packet includes the basic transport header, the encryption attribute header, and the encrypted content information, wherein the encryption attribute header is set between the basic transport header and the encrypted content information, which is not subject to encryption. Claims 15 and 19 state similar functionality in the context of method and computer readable recording medium claims.

In Claims 1, 15 and 19, in the claimed structure and functionality of transport header and encrypted data, the sent packet includes the basic transport header, the encryption attribute header, and the encrypted content information, wherein the encryption attribute header is set between the basic transport header and the encrypted content information, which is not subject to encryption.

Similarly, amended Claim 11 is directed to a content information receiving apparatus including (aa) a unit for receiving from a sending apparatus a packet; (bb) a unit for referring to a transport header and performing transport protocol processing required to receiving the content information; (cc) a unit for decrypting the content information encoded by a prescribed encoding system; (dd) a unit for referring to an encryption attribute header added to the content information, which includes copy attribute information necessitated for copy protection of the content information and judging whether or not the content information is encrypted or whether there is a possibility that the content information is encrypted; and (ee) a unit for referring to a basic transport header added to the content information to which the encryption attribute header has been added, wherein the received packet includes the basic transport header, the encryption attribute header, and the encrypted content information, and the encryption attribute header is set between the basic transport header and the encrypted

content information, which is not subject to encryption. Claims 17 and 20 state similar functionality in the context of method and computer readable recording medium claims.

In Claims 11, 17 and 20, in the claimed structure and functionality of transport header and encrypted data, the received packet includes the basic transport header, the encryption attribute header, and the encrypted content information, wherein the encryption attribute header is set between the basic transport header and the encrypted content information, which is not subject to encryption.

In contrast, the cited references fail to disclose the above noted encryption attribute header to be added to the encrypted content information, which includes copy attribute information necessitated for copy protection of the content information, and that the encryption attribute header is set between the basic transport header and the encrypted content information, which is not subject to encryption, both of which serve as copy protect information in order to secure the copyright of digital content information, such as Audio/Visual data transmitted in real-time. In view of this distinction, it is respectfully submitted that the outstanding grounds for rejection of Claims 1-20 under 35 U.S.C. § 102(e) and § 103(a) have been overcome, and withdrawal thereof is respectfully requested..

Consequently, in view of the present amendment and in light of the above comments, the present application is believed to be in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870